

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ann L. Hirdler,

Plaintiff,

v.

**MEMORANDUM OPINION
AND ORDER**

Civil No. 06-567 ADM/JSM

Karen Foy, Nicole Moore, and
Marilyn Klug,

Defendants.

Ann L. Hirdler, *pro se*.

I. INTRODUCTION

This matter is before the undersigned United States District Judge on Plaintiff Ann L. Hirdler's ("Plaintiff") Objections [Docket No. 4] to the Report and Recommendation ("R&R") of Magistrate Judge Janie S. Mayeron [Docket No. 3], issued on February 14, 2006. Judge Mayeron recommended dismissal of Plaintiff's Complaint [Docket No. 1] and denied her Motion for Leave to Proceed In Forma Pauperis [Docket No. 2]. For the reasons set forth below, Plaintiff's Objections are denied and her Complaint is dismissed.

II. DISCUSSION¹

In reviewing an R&R, the district court "shall make a de novo determination upon the record" and "may accept, reject, or modify the recommended decision" of the magistrate judge. D. Minn. LR 72.2(b).

¹ The underlying facts are more fully set forth in the R&R and will not be repeated here.

In her Complaint and Objections, Plaintiff appears to be seeking relief under the Minnesota Patients' Bill of Rights, Minn. Stat. § 144.651. Among other allegations, Plaintiff, a resident at a long-term care facility, claims she was transferred to a new room and required to live with a new roommate, whom she describes as a "black girl," without her approval. The R&R recommended dismissal of Plaintiff's suit, as Plaintiff failed to adequately allege federal subject matter jurisdiction. R&R at 2. Plaintiff's Objections reiterate many of the allegations made in the Complaint, and also attempts to raise federal jurisdiction. Plaintiff, who describes herself as a "white Southerner," suggests she was discriminated against; however, it is difficult to discern precisely how she was harmed or treated unequally. Her Objections seem to suggest that black residents on her floor were grouped together. How this resulted in harm to the Plaintiff is not explained. Plaintiff also mentions the Americans With Disabilities Act ("ADA"), but again, it is not clear what facts allege a violation of the ADA. Even taking Plaintiff's allegations as true and viewing them in a light most favorable to her, they do not state claim upon which relief can be granted.

Given the limited background facts provided in the Complaint and Objections, Plaintiff has failed to state a claim, even under the more liberal pleading standard normally afforded to *pro se* parties. Consequently, the R&R will be adopted and Plaintiff's Objections denied. Additionally, Plaintiff's two motions to Proceed for Leave to Proceed In Forma Pauperis [Docket Nos. 2 and 6] are denied.

III. CONCLUSION

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Objections [Docket No. 4] are **DENIED**;
2. The Report and Recommendation [Docket No. 3] is **ADOPTED**;
3. Plaintiff's Motions for Leave to Proceed In Forma Pauperis [Docket No. 2 and 6] are **DENIED**; and
4. Plaintiff's Complaint [Docket No. 1] is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: March 8, 2006.